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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-7632-2022

Date of decision: 26.04.2022

RAJ KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. S.S. Sarwara, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

In FIR No.32 of 03.02.2022, registered at Police Station Sadar Samana, District Patiala, offences constituted under Sections 457, 380 of IPC, are embodied.

2. On 23.02.2022, this Court was pleased to grant the relief of *ad-interim* bail to the present bail petitioner, however, subject to his rendering the fullest co-operation to the investigating officer concerned. Therefore, when the matter was taken up today, the learned State counsel was asked to make an intimation to this Court, whether the fullest co-operation has been meted by the bail petitioner to the investigating officer concerned. He has, on instructions given to him by the investigating officer concerned, intimated this Court, that the bail petitioner has caused the effectuation of recovery(ies) of the stolen property, to the investigating officer concerned.

3. Therefore, normally though custodial interrogation is ordered only for effectuations of recovery(ies) by the accused concerned, of the relevant

incriminatory evidence/fact, to the investigating officer concerned, and, when the afore recovery(ies) stand effected by the bail petitioner, to the investigating officer concerned, thereupon, in the afore factual scenario, this Court becomes constrained to admit to anticipatory bail the present bail petitioner. Therefore, this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the bail petitioner.

4. However, learned State counsel submits, that since the accused bail applicant, is a habitual offender, hence, the facility of anticipatory bail, as craved for, in the instant application, be not accorded to him.

5. Be that as it may, the imposition of stringent conditions, is rather deemed fit and appropriate, for being imposed upon the petitioner-bail applicant, necessarily as a measure to allay, the apprehension (*supra*), reared by the learned State counsel.

6. In summa the order as made, by this Court, on 23.02.2022, is made absolute on the same terms and conditions, but subject to the petitioner-bail applicant making an undertaking before the investigating officer concerned, that in case, he re-indulges in criminal activities, whereupon, on breach thereof, the order made today, shall become *ipso facto* annulled, and, that, upon, his being forthwith arrested by the investigating officer concerned, the latter shall produce the petitioner-bail applicant before the trial Court concerned, for the latter making an order for his being put to judicial custody.

7. Disposed of.

(SURESHWAR THAKUR)
JUDGE

26.04.2022

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Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No